

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KAREN HAUGEN, P.L., a minor
child, and MAY LANDSEN,

Plaintiffs,

v.

MOLLY FIELDS, CITY OF
UNION GAP, LARRY WORDEN,
ROBERT ALMEIDA, SHAWN
JAMES, ED LEVESQUE, L.
McKINLEY, H. RIVERA, CHASE
KELLOGG, and JOHN DOES one
through five,

Defendants.

NO. CV-05-3109-RHW

**ORDER GRANTING PLAINTIFF
MAY LANDSEN'S UNOPPOSED
MOTION FOR VOLUNTARY
DISMISSAL WITHOUT
PREJUDICE OF HER CLAIMS**

Before the Court is Plaintiff May Lansden's Unopposed Motion for Voluntary Dismissal Without Prejudice of Her Claims (Ct. Rec. 225). The motion was heard without oral argument.

Counsel for Plaintiff May Lansden asks that her claims be dismissed without prejudice. As the record reflects, communication between Plaintiff and her counsel, James Lobsenz, has been difficult, due in part because of Plaintiff's relationship with her grandson, Tracy Lansden. Mr. Lansden, who was initially a Plaintiff in the action, has attempted on numerous times to interject himself into the proceedings by filing documents on behalf of May Lansden. Previously, Mr. Lobsenz had negotiated a settlement with the City of Union Gap Defendants, which Marcus J. Fry, Guardian ad Litem for May Lansden, concluded was a fair

**ORDER GRANTING PLAINTIFF MAY LANDSEN'S UNOPPOSED
MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF
HER CLAIMS ~ 1**

1 and acceptable offer. Because Tracy Lansden had since obtained power of attorney
2 over the affairs of May Lansden, Magistrate Judge Imbrogno concluded that the
3 settlement offer should be rejected and the case set for trial. The Court adopted the
4 Report and Recommendations of Magistrate Imbrogno and trial is currently set for
5 December 8, 2008. In the meantime, Mr. Lobsenz attempted to communicate with
6 Mr. Lansden and May Lansden in order to secure May Lansden's presence at the
7 December 8, 2008, trial. Neither one has responded to Mr. Lobsenz's
8 communications.

9 The Court finds that good cause exists to grant Plaintiff's motion. Tracy
10 Lansden had indicated that he intends to obtain substitute counsel and there is
11 nothing in the record that would indicate that he intends to cooperate with Mr.
12 Lobsenz in securing May Lansden's presence at trial. The Union Gap Defendants
13 have stipulated to extending the statute of limitations by a period of one year;
14 therefore, Plaintiff would not be prejudiced by granting the motion.

15 Additionally, because Tracy Lansden has power of attorney, it is not
16 necessary to obtain the opinion of Marcus Fry.

17 Accordingly, **IT IS HEREBY ORDERED:**

18 1. Plaintiff May Lansden's Unopposed Motion for Voluntary Dismissal
19 Without Prejudice of Her Claims (Ct. Rec. 225) is **GRANTED**.

20 2. Marcus Fry is hereby discharged from his duties as Guardian ad Litem
21 for May Lansden.

22 3. The claims asserted by Plaintiff May Lansden against the Union Gap
23 Defendants are **dismissed** without prejudice.

24 4. Plaintiff May Lansden and the Union Gap Defendants are **dismissed** .

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28 **ORDER GRANTING PLAINTIFF MAY LANDSEN'S UNOPPOSED
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1 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
2 Order and forward copies to counsel and Tracy Lansden.

3 **DATED** this 25th day of September, 2008.

4 *S/ Robert H. Whaley*

5 ROBERT H. WHALEY
6 Chief United States District Judge

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**ORDER GRANTING PLAINTIFF MAY LANDSEN'S UNOPPOSED
MOTION FOR VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF
HER CLAIMS ~ 3**